

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

JONATHAN DUNCAN,

*Plaintiff,*

v.

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

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Case No. 1:11-cv-199

Judge Mattice

Magistrate Judge Lee

**ORDER**

On February 15, 2012, United States Magistrate Judge Susan Lee filed her Report and Recommendation (Doc. 17) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that: (1) Plaintiff's Motion for Judgment on the Pleadings (Doc. 13) be denied; (2) Defendant's Motion for Summary Judgment (Doc. 15) be granted; and (3) the Decision of the Commissioner be affirmed.

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the Report and Recommendation as well as the record, and it agrees with Magistrate Judge Lee's well-reasoned conclusions.

Accordingly:

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact,

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<sup>1</sup> Magistrate Judge Lee specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 17 at 17 n.4); see Fed. R. Civ. P. 72(b)(2); see also *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Taking into account three additional days for service provided by Fed. R. Civ. P. 6(d) and the resulting weekend deadline, the period in which Plaintiff could timely file objections expired on March 5, 2012.

conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);

- Plaintiff's Motion for Judgment on the Pleadings (Doc. 13) is **DENIED**;
- Defendant's Motion for Summary Judgment (Doc. 15) is **GRANTED**;
- The decision of the Commissioner is **AFFIRMED**; and
- This case is hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED** this 22nd day of June, 2012.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE